

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

Date:-30-1-1996.

SPECIAL CIVIL APPLICATION NO.563 OF 1989.

For Approval and Signature

THE HON'BLE MR. JUSTICE N.N. MATHUR.

1. Whether Reporters of Local Papers may be allowed to see the judgment ? No.
2. To be referred to the Reporter or not ?
No.
3. Whether their Lordships wish to see the fair copy of judgment ? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

Mr. P.B. Majmudar, Advocate, for the petitioner.

Mr. B.Y. Mankad, for the Respondents no.1 to 3.

Mr. H.L. Patel, for the respondent no.4.

CORAM:-N.N. MATHUR, J.

Date:-30-1-1996

ORAL JUDGMENT:

By way of this Special Civil Application the petitioner seeks direction to quash and set aside the action of the respondents removing him from behind Ambaji Temple where he is doing his business in the cabin.

2. The say of the petition is that he has been paying the rent regularly to the respondent no.4 Ambaji Gram Panchayat until the petitioner was removed in the month of April 1985. It is also submitted that on 3-9-1994 the rent was fixed at Rs.2/- per sq.mtr. and he has been paying the said rent to the respondent no.4 Amaji Gram Panchayat. The petitioner could not have been

evicted without proper notice.

3. None has appeared for the respondents. No reply has been filed. There is no dispute that the impugned action has been taken in disregard to the principles of natural justice.

4. In view of the aforesaid, this Special Civil Application is allowed and the respondents are restrained from removing the cabin of the petitioner situated behind the Ambaji Temple. However, it will be open for the respondents to remove the petitioner in accordance with law after following the principles of natural justice. Rule is made absolute to the aforesaid extent. There shall be no order as to cost.

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